UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,653	04/19/2001	Christopher Jay Davia	RAL920000081US1	9232

7590   06/17/2004

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EXAMINER
STEVENS, ROBERT

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/838,653	DAVIA, CHRISTOPHER JAY
	Examiner	Art Unit	
	Robert M Stevens	2176	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 April 2001_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-21_ is/are rejected.
7)☒ Claim(s) _19-21_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _14 April 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-21 are pending in Application No. 09/838,653, entitled "Method and Apparatus for the Separation of Web Layout, Logic, and Data when Used in Server-Side Scripting", filed April 19, 2001.

2.   No IDS was filed as of the date of examination.

Drawings

3.   The drawings are objected to because:

a. Figure 1 #126 is missing a reference pointer.

b. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

c. Figures 2 and 3 contain descriptive/narrative language (See Fig 2: "Traditional Method ...", and Fig. 3: "The Server-Side Script ...", "The Engine Frame's ...", "The HTML and ..."), which must be removed from the drawings.

d. Figure 2 reference pointer 202 points to (impinges upon) "Next" box rather than "Web content" box.

e. Figure 2 elements "Img1" and "Img2" should have reference numbers (both in the figures and the specification, which refers to those elements).

f. Figure 2 reference pointer 206 points to (impinges upon) "Back" box rather than "next web page" box.

g. Figure 3 discussion of a "classification screen" element (page 11 line 28) is not reflected in the Figure itself.

4.   A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5.   The disclosure is objected to because of the following informalities:

a. Please correct all grammatical/spelling/etc. errors throughout the specification, such as page 12 line 4 "and image" should be "an image".

Appropriate correction is required.

Claim Objections

6.   **Claims 19-21 objected to** because of the following informalities:

System claim 19 refers to method claim 4. For examination purposes, the Office

will consider claim 19 to depend upon claim 18.

System claim 20 refers to method claim 1. For examination purposes, the Office

will consider claim 20 to depend upon claim 16.

System claim 21 refers to method claim 4. For examination purposes, the Office

will consider claim 21 to depend upon claim 16.

7.   Appropriate correction is required.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

9.   Claims 3, 7, 10, 14, 17 and 21 are rejected under 35 U.S.C. 112, second

paragraph, as failing to set forth the subject matter which applicant(s) regard as their

invention.

Regarding claims 3, 10 and 17, the term "more efficient" is a relative term which

renders each claim indefinite.

Regarding claims 7, 14 and 21, the terms "importing" and "exporting" were not

defined in the specification, and appear to have the same meaning. As such, the scope

of these claims are indefinite. For purposes of examination, the Office considers these

terms to both mean "referencing".

Regarding claims 7, 14 and 21, the term "classifications" was not defined in the specification. As such, the scope of these claims are indefinite. For purposes of examination, the Office considers this term to mean " web page presentations".

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11.   **Claims 1-3, 8-10, 16 and 17 are rejected under 35 U.S.C. 102(b)** as being anticipated by Douglis et al (US Patent No. 6,021,426, hereafter referred to as "Douglis").

Regarding independent (method) claim 1, Douglis discloses:

A method of providing content for display of a web page, comprising: generating a dynamic content frame separate from a static content frame comprising layout and logic information during development of said web page; (col 3 line 66 thru col 4 line 34, including Table 1) *and downloading said dynamic content frame independently of said static content frame* (col 3 lines 36-44).

Regarding claim 2, which is dependent upon claim 1, Douglis discloses:

further comprising enabling a display of said web page by incorporating features of said dynamic content frame and said static content frame into a display frame (col 4 lines 14-19).

Regarding claim 3, which is dependent upon claim 2, Douglis discloses:

> *wherein said downloading step restricts a download to only said dynamic content frame whenever said web page is requested to be downloaded in sequence with a second web page sharing similar layout and logic, whereby a previous static content frame is stored on the system requesting a download of said web page and more efficient download and display of said web page is achieved* (col 3 lines 40-44).

Regarding independent (computer program product) claim 8: Claim 8 is

substantially similar to method claim 1, and therefore likewise rejected.

Regarding claim 9, which is dependent upon claim 8: claim 9 is substantially

similar to method claim 2, and therefore likewise rejected.

Regarding claim 10, which is dependent upon claim 9: claim 10 is substantially

similar to method claim 3, and therefore likewise rejected.

Regarding independent (system) claim 16: Douglis discloses:

> *A system for providing content for display of a web page, comprising:*
> *a server having a memory component with server software; (col 5 lines 49-58)*
> *means for collecting a web browser to said server; (col 5 lines 42-44,* describing an HTTP communications between client and server)
> *logic for generating a dynamic content frame utilizing a server-side scripting*
> *software separate from a static content frame comprising layout and logic information*
> *during development of a web page at said server; (col 3 line 66 thru col 4 line 34, including Table 1) and*
> *logic for downloading said dynamic content frame independently of said static*

> *content frame to said web browser via said collecting means (col 3 lines 36-44).*

Regarding claim 17, which is dependent upon claim 16, Douglis discloses:

> *wherein said downloading step restricts a download to only said dynamic content frame whenever said web page is requested to be downloaded in sequence with a second web page sharing similar layout and logic, whereby a previous static content frame is stored on the system requesting a download of said web page and more efficient download and display of said web page is achieved (col 3 lines 40-44).*

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 6, 7, 13, 14, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglis in view of Emily A. Vander Veer, JavaScript for Dummies, 3rd Edition, IDG Books Worldwide, ©2000, pages 219-248 (hereafter "Vander Veer").

Regarding claim 6, which is dependent upon claim 1, Douglis does not explicitly disclose the added limitation.

Vander Veer, however discloses:

further comprising initializing said static content frame with common functions utilized by all screens, wherein said common functions include how to display and hide an image within a layer (pp. 244-246, especially code listings 12-3 and 12-4 and code output in Figures 12-6 and 12-7), how to write text into said layer (pp. 229-231, especially code listing 11-3 and output in Figure 11-7 showing the addition of the text "Computer"), and how to move said layer (pp. 240-243, code listing 12-2 and Figures 12-3 through 12-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Vander Veer for the benefit of Douglis because to do so would allow a user to click a button and see a different image, or slide, without popping to another Web page as taught by Vander Veer at the first paragraph under "Tickets to a Slide show" on page 240.

Regarding claim 7, which is dependent upon claim 6, Douglis does not explicitly disclose the added limitation.

Vander Veer, however discloses:

further comprising: importing a re-usable Javascript function library from a generated HTML to support a unique behavior of said display frame (pp. 227-228 section entitled "Checkin' out the library, especially the code listings on page 227 and their description in the first paragraph on page 228); *and*
caching said Javascript function library in a web browser with which said web page is downloaded, wherein said library may be utilized for subsequent classifications (p. 228, especially second bullet "Improves performance time").

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Vander Veer for the benefit of Douglis because to do so would allow for a single copy of a JavaScript library to be loaded into memory, where the JavaScript interpreter could access it, no matter how many web pages reference

that library (thus improving performance time) as taught by Vander Veer at the second bullet labeled "Improves performance time" on page 228.

Regarding claims 13 and 20, these claims are substantially similar to claim 6 and thus are similarly rejected.

Regarding claims 14 and 21, these claims are substantially similar to claim 6 and thus are similarly rejected.

14.   **Claims 4, 5, 11, 12, 18 and 19 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Douglis in view of Vander Veer as applied to claims 1, 8 and 16 above, and further in view of Laura Lemay, SAM's Teach Yourself Web Publishing with HTML 4 in 21 Days, 2nd Edition, Sam's Publishing, ©2000, XXX pp. 471-489 (hereafter "Lemay").

Regarding claim 4, which is dependent upon claim 1, Douglis discloses:

wherein said generating step comprises generating an HTML page with two frames, wherein:
a dynamic content frame created utilizing server- side scripting language that maintains changing information (col 2 lines 20-28)

However, Douglis does not explicitly recite the rest of that limitation.

Lemay, though, does teach the use of different data types:

including text data, images, and audio data (pp. 400-401, especially the code

listing of page 400 incorporating text ["An oral family history ... tornado of 1903"],

images [img src="soundicon.gif"], and audio data [a href="tornado.wav"].

It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply the teachings of Lemay for the benefit of Douglis because to do so

enabled one to assemble a media archive, which provides quick access to images or

other media files for viewing and downloading as taught by Lemay on page 395 (see

first paragraph under "Exercise 13.1: Creating a Family history Media Archive").

Douglas does not explicitly disclose the next limitation.

However, Vander Veer discloses:

> *a static content frame maintains layout information of a web page content and*
> *references an HTML file that includes a Javascript library to add, move, remove and*
> *change text and images in a display layer of said web page* (pp. 229-231, especially listing 11-3 and figures 11-6 and 11-7 for text manipulations, and pp. 240-246, especially listings 12-2 and 12-3 and figures 12-3 through 12-7 for image manipulations).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply the teachings of Vander Veer for the benefit of Douglis because to do

so would allow for a single copy of a JavaScript library to be loaded into memory, where

the JavaScript interpreter could access it, no matter how many web pages reference

that library (thus improving performance time) as taught by Vander Veer at the second

bullet labeled "Improves performance time" on page 228.

Regarding claim 5, which is dependent upon claim 4, Douglis discloses:

> further comprising merging features of said static
> content frame and said dynamic content frame utilizing linking information provided
> within said dynamic content frame (col 6 lines 22-24),

However, Douglis does not explicitly disclose the next limitation.

Vander Veer, though, discloses:

> wherein said linking information comprises HTML/Javascript function calls to said static content frame (pp. 227-228, especially the code listings on page 227 and the descriptive paragraphs immediately before (p. 227) and after (p. 228) the code listings).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Vander Veer for the benefit of Douglis because to do so would allow a user to click a button and see a different image, or slide, without popping to another Web page as taught by Vander Veer at the first paragraph under "Tickets to a Slide show" on page 240.

Regarding claims 11 and 18, these claims are substantially similar to claim 4 and thus are similarly rejected.

Regarding claims 12 and 19, these claims are substantially similar to claim 5 and thus are similarly rejected.

15.   **Claim 15 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Lemay

(pp. 471-489) in view of Cohen (US Patent No. 6,263,352, filed Nov 14, 1997).

> **Regarding independent (method) claim 15**, Lemay discloses:
>
> *A method for extending interaction between static*
> *and dynamic content of a web page comprising:*
> *creating said web page with individual layers corresponding each to web*
page
> *content* (p. 481, especially the <meta> tag attribute "content"), *and web*
> *page layout* (p. 480, especially the bottom third of the page discussing setting a
> color attribute) *and logic* (p. 478, especially the bottom fourth of the page
> discussion conditional branching and logical operators);
>
> However, Lemay does not explicitly disclose the next limitation.
>
> Cohen, though, does disclose:
>
> *and enabling manipulation of each layer by server- scripting software,*
> *wherein*
> *web page content may be changed by standard off-the-shelf scripting*
> *applications,*
> *without consideration of HTML and DHTML* (col 3 lines 60-64, discussing
> the use ASP,
> Microsoft's standard off-the-shelf server-side scripting application. Note,
> as addressed in the 112 section, the Office is unsure of the meaning of "without
> consideration of HTML and DHTML", and has ignored this phrase for
> examination purposes since such phrase may actually be adding a limitation
> which renders the claim ineffective).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply the teachings of Cohen for the benefit of Lemay because employing

ASP "allows a user to write Web pages using a combination of a hypertext language ...

and a scripting language" as taught by Cohen at col 2 lines 32-36.

Conclusion

16.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Non-patent Literature

Bradbury, Danny, "Scripting Languages", <u>ComputerWeekly.com</u>, Nov. 16, 2000 (www.computerweekly.com/Article21635.htm).

Burridge, David, "Browser targeted Cascading Style Sheets using JavaScript", <u>The Complete Webmaster</u>, Jan. 28, 1999 (www.abiglime.com/webmaster/articles/jscript/012899.htm).

Halasz, Steven, "An Improved Method for Creating Dynamic Web Forms Using APL", <u>APL Berlin 200 Proceedings</u>, pp. 104-111, APL00, 07/00, Berlin, Germany, [ACM 1-58113-182-8/01/0007].

Labrinidis et al., "Generating dynamic content at data-backed web servers: cgi-bin vs mod_perl", <u>SIGMOD Record</u>, vol 29, no. 1, March 2000, pp. 26-31.

Microsoft Corporation, "Dynamic HTML: The Next Generation of User Interface Design Using HTML", Feb. 1, 1997 (www.microsoft.com/technet/itsolutions/intranet/build/dhtml01.mspx).

Savio, Nadav, "What is Dynamic HTML?", Oct. 2, 1997 (hotwired.lycos.com/webmonkey/geektalk/97/39/index3a.html?tw=authoring.htm).

Stanek, William R., "Explore Creativity and Control With Dynamic HTML", adapted from <u>PC Magazine</u>, Jan. 20, 1998 (www.computersmiths.com/educat/dhtml/CreateandControl.htm).

US Patent Application Publications

Hayko et al	US 2002/0095522

US Patents

Bookman et al	5,761,673
Hill et al	6,023,714
Chadha et al	6,061,698
Cragun et al	6,161,112
Hagenaars	6,182,093
Guthrie	6,266,681
Kraus et al	6,266,684
Levine et al	6,405,221

17.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M Stevens whose telephone number is (703) 605-4367. The examiner can normally be reached on M-F 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Stevens
Art Unit 2176
Date: June 8, 2004

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

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